

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

FILED

**IN THE MATTER OF THE APPLICATION OF IQ)
TELECOM'S VERIFIED PETITION FOR A)
CERTIFICATE OF TERRITORIAL AUTHORITY)
TO RESELL BUNDLED LOCAL EXCHANGE)
TELEPHONE SERVICES WITHIN)
THE STATE OF INDIANA)**

SEP 25 2003

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42491

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On August 7, 2003, IQ Telecom Inc. ("IQ") filed its Verified Petition for a Certificate of Territorial Authority to Resell Bundled Local Exchange Telephone Services within the State of Indiana (hereafter "Petition"). The Petition filed by IQ was a "short form" petition, as addressed by this Commission in Cause No. 39983, intended to be processed after due public notice, without the necessity of a hearing.

On August 22, 2003, the Presiding Officer in this cause issued a docket entry, requesting omitted information from IQ, to which IQ responded on August 27, 2003. The specific items requested were as follows:

1. Section H of the application is incomplete, as it does not list the state(s) in which IQ has been authorized to provide telecommunications services. Please list the states in which IQ has such authority.
2. Exhibit 3 of the Petition does not contain any documentation whatsoever; this exhibit is needed to support the requirement that IQ has technical and managerial experience. Provide this documentation.
3. Exhibit 4, section 1, indicates that IQ is headquartered in Ohio. The address given for IQ is in Illinois. Please indicate the correct state in which IQ is headquartered.

When IQ filed the answers to the Presiding Officer's questions, the responses were not verified. On August 28, 2003, the Presiding Officer issued an entry advising IQ to file a verified copy of the amended Petition by September 5, 2003.

On September 17, 2003, IQ sent a letter to the Presiding Officer requesting "an extension" to respond to the August 28th docket entry. The OUCC was not copied on the entry. Petitioner was granted an extension until September 25, 2003 to file a **complete, verified** copy of the Petition.

On September 24, 2003, Petitioner filed a short-form petition, captioned without a cause number. The Petition was initially given a new docket number by Commission staff, until the duplication of filings was noted. No cover letter explaining the filing was sent with the Petition.

Further, sections B, E, F, and G of the Petition were blank, and although the Petition was signed, it was not dated. There were no attachments to the Petition.

In relevant part, I.C. 8-1-2-53 states that

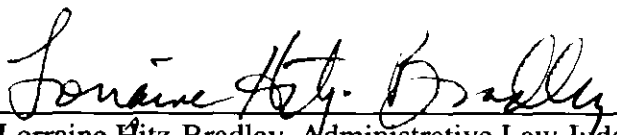
[a]ny public utility receiving from the commission any blanks, with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and, in case it is unable to answer any question, it shall give a good and sufficient reason for such failure, and said answers shall be verified under oath by the president, secretary, superintendent or general manager or person in charge of such public utility and returned to the commission at its office within the period fixed by the commission.

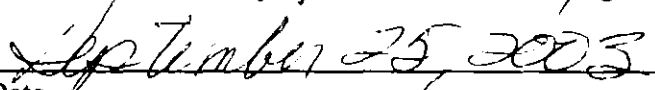
In addition, Webster's dictionary defines **complete** as "[h]aving all necessary or normal parts, elements, or steps: WHOLE." *Webster's II New Riverside University Dictionary* (Houghton Mifflin 1995.) Further, Black's Law Dictionary (5th ed.) defines **verification** as "[c]onfirmation of correctness, truth or authenticity, by affidavit, oath, or deposition. Affidavit of truth of matter stated and object of verification is to assure good faith in averments or statements of [the] party." The purpose of verification of the entire Petition, therefore, is a certification of authenticity and truthfulness of the whole – the content of the Petition itself, and the documents attached thereto. Such authentication does not attach piecemeal to separately filed documents.

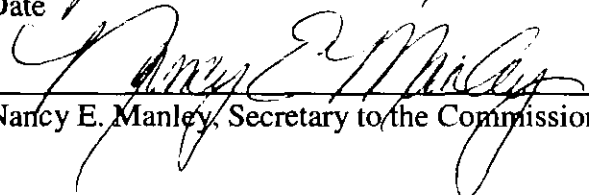
The Presiding Officer in this Cause, being duly advised in the premises, hereby finds that Petitioner should answer the following by October 10, 2003:

Petitioner shall file a Petition in this Cause captioned with the Cause number, containing all required attachments, with all sections completed, signed, dated, and verified. Failure to do so may result in dismissal of the Petition without prejudice.

IT IS SO ORDERED.


Lorraine Hitz-Bradley, Administrative Law Judge


Date


Nancy E. Manley, Secretary to the Commission